

ORDINANCE NO. 07-24

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 (ZONING) OF THE CODE OF ORDINANCES BY REVISING ARTICLE IX. FIRE RESCUE IMPACT FEE AND IN PARTICULAR, HIALEAH CODE § 98-2563 ENTITLED "FIRE RESCUE IMPACT FEE" TO PROVIDE FOR A RECALCULATION OF THE FIRE RESCUE IMPACT FEE TO ALLOW FOR THE ANNUAL ADJUSTMENT BASED ON INFLATION USING THE CONSUMER PRICE INDEX (CPI), WITH THE OPTION OF USING ANOTHER GOVERNMENTAL INDEX SHOULD THE CPI BE DISCONTINUED OR REVISED TO ACHIEVE SUBSTANTIALLY THE SAME RESULT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of January 24, 2007 recommended approval of this ordinance; and

WHEREAS, pursuant to Hialeah, Fla., Ordinance 04-53 (Sept. 16, 2004), the City of Hialeah enacted a fire rescue impact fee; and

WHEREAS, the purpose and intent of this ordinance is to revise the calculation of the fire rescue impact fee to allow for an annual adjustment based on inflation using the Consumer Price Index (CPI) as the measure, with the option of using another governmental index should the CPI be discontinued or revised to substantially achieve the same result.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 (Zoning) of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising article entitled "Article IX. Fire Rescue Impact Fee", particularly, Hialeah Code § 98-2563 entitled "Fire rescue impact fee", read as follows:

Chapter 98

ZONING

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ARTICLE IX. FIRE RESCUE IMPACT FEE

* * *

Sec. 98-2563. Fire rescue impact fee.

(a) The fire rescue impact fee shall be based upon the following formula:

Formula:

- A = Capital costs of the fire rescue Service
- B = Percentage of capital cost required for land/use occupancy type
- C = Capital cost for land use/occupancy type
- D = Total units of land use/occupancy type in city (or cost per square foot for nonresidential land use)
- E = Capital cost for each unit
- F = Feepayer's number of units
- G = Fire rescue impact fee

Where:

$$\begin{aligned} A \times B &= C \\ C / D &= E \\ E \times F &= G \end{aligned}$$

(b) For additions to an existing residential occupancy, the fire rescue impact fee shall be computed as follows:

- A = Existing square footage
- B = Fire impact fee (by occupancy type)
- C = Fire rescue impact fee for each square foot
- D = Feepayers' number of additional square feet
- E = Fire rescue impact fee

$$A / B = C$$

$$C \times D = E$$

- (b) The fire chief shall annually adjust the fire impact fee schedule, which is maintained in the office of the city clerk, by indexing the schedule to inflation as defined by the Consumer Price Index (CPI) for All Urban Consumers for the United States, published by the United States Department of Labor, Bureau of Labor Statistics. The initial indexing or recalculation shall occur during the 2006-2007 fiscal year using the difference in the CPI figures for calendar years 2005 and 2006.
- (c) Unless otherwise directed by the city council, by ordinance, adjustments to the fire impact fee pursuant to this section shall become effective on the first day of October during each calendar year.
- (d) If the CPI is changed by the United States Department of Labor so that the base year is different, the index shall be converted according to the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics.
- (e) If the CPI is discontinued or revised, such other government index or computation that replaces or changes the CPI shall be used in order to obtain substantially the same result as would be obtained if the CPI had not been discontinued or revised.
- (f) The components of this formula may be subject to annual formula review conducted prior to the end of each calendar year. The chart, comprising of the land use/occupation type, percentage of capital costs, net capital costs, number of units or square feet of occupancy in the city and cost for each unit or cost for each square foot, will be on file with the city clerk. The chart comprising land use/occupation types identifies broad categories and to that extent, the fire chief, in computing the fee, shall determine the type of activity that is most similar to the listed type of use or occupation when such use or occupation is not identified in the chart.
- (g) Any person requesting a building permit for residential, commercial or industrial development

shall pay the impact fee reflected in the impact fee formula.

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Any person, firm or corporation convicted of violating the provisions of this ordinance shall be punished by a fine, not exceeding \$500.00, or by a jail sentence, not exceeding sixty (60) days, or both, in the discretion of the Court.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

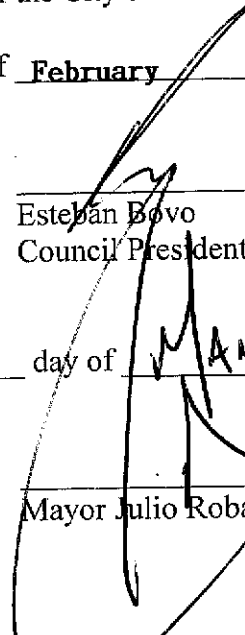
Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council of the

City of Hialeah, Florida and signed by the Mayor of the City of Hialeah, Florida.

PASSED AND ADOPTED this 27th day of February, 2007.

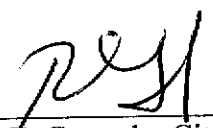
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



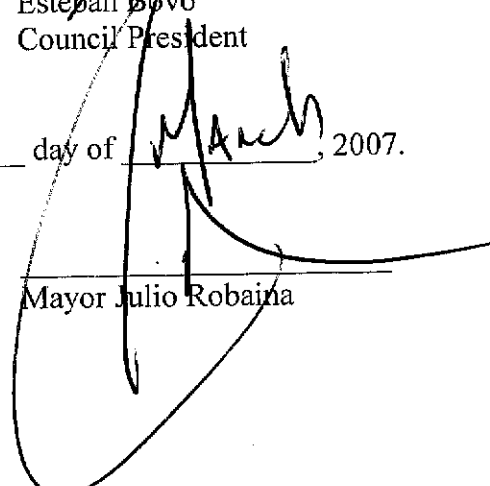
Esteban Bovo
Council President

Attest:

Approved on this 1 day of March, 2007.

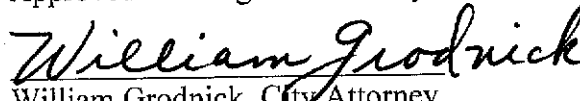


Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to legal sufficiency and form:



William Grodnick, City Attorney

Underlining means addition; ~~strikethrough~~ means deletion.

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".

Fire Rescue Impact Fee Schedule		
Land Use/Occupancy Type		Cost Per Unit or Per Square Foot
Single Family Residence		\$400.20
Multifamily		\$132.84
Hotel		\$0.19
Retail/ Public Assembly		\$0.03
Office/Medical		\$0.32
Industrial/Warehouse		\$0.12

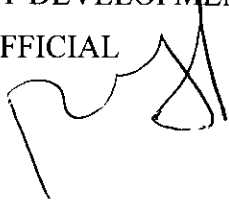
Indexed Based on the difference in the Consumer Price Index figures for calendar years 2005 and 2006. Bureau of Labor Statistics CPI Inflation Calculator used to calculate proposed Impact Fees.

CITY OF HIALEAH



OFFICE OF THE CITY CLERK

TO: WILLIAM M. GRODNICK, CITY ATTORNEY
JOHN T. TRAVERS, DIRECTOR OF COMMUNITY DEVELOPMENT
DEBORA STORCH, PLANNING AND ZONING OFFICIAL
CC: MARCOS DE LA ROSA, FIRE CHIEF
FROM: RAFAEL E. GRANADO, CITY CLERK
DATE: APRIL 30, 2010
SUBJECT: FIRE RESCUE IMPACT FEE



Attached please find a certified copy of a memorandum from Marcos De La Rosa, Fire Chief, wherein an adjustment is made to the Fire Rescue Impact Fee, effective October 1, 2009, pursuant to Ordinance No. 2007-24. The original memorandum will be maintained in the Office of the City Clerk attached to Ordinance No. 2007-24.

Thank you in advance for your attention to this matter.

Enclosure

REG:jdr

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City of Hialeah



CLERK 04/30/10 AM 10:09

Fire Department Departmental Memorandum

DATE: 4.30.10
TO: City Attorney W. Grodnick
FROM: Fire Chief, M. De La Rosa
SUBJECT: Ordinance 07-24; Fire Rescue Impact Fee

City Chapter 98 (Zoning) of the Code of Ordinances of the City of Hialeah, Florida "Article IX, Fire Rescue Impact Fee", calls for an annual adjustment to the fee schedule. Upon evaluating the Code there has not been an adjustment since 2007. Therefore, an adjustment must be made to the current fee schedule. The adjustment is based on the Consumer Based Index figures from years 2007-2010, which results in a modification of 8.125%.

FIRE RESCUE IMPACT FEE SCHEDULE				
LAND USE OCCUPANCY TYPE				COST PER UNIT OR PER SQ'
SINGLE FAMILY RESIDENCE				\$419.54 PER UNIT
MULTI-FAMILY				\$139.25 PER UNIT
HOTEL				\$.19 Per Sq. Ft.
RETAIL/PUBLIC ASSEMBLY				\$0.03 Per Sq. Ft.
OFFICE/MEDICAL				\$0.34 Per Sq.Ft.
INDUSTRIAL/WAREHOUSE				\$0.13 Per Sq. Ft.

**CITY OF HIALEAH
CITY ATTORNEY'S OFFICE**

MEMORANDUM

TO: Mayor Julio Robaina, and
Members of the Hialeah City Council

FROM: William M. Grodnick, City Attorney *wmg*

DATE: January 25, 2007

RE: Proposed ordinance –CPI annual adjustment for fire rescue impact fee

The proposed ordinance revising the calculation of the fire rescue impact fee to allow for an annual adjustment based on inflation using the Consumer Price Index (CPI) as the measure, with the option of using another governmental index should the CPI be discontinued or revised to substantially achieve the same result.

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FEB 27 2007

~~FEB 13 2007~~

Land Use/Occupancy Type	Existing Fire Rescue Impact Fee Schedule			Cost Per Unit or per Square Foot
	Percentage of Capital Costs ¹	Net Capital Costs ²	Number of Units or Square Feet of Occupancy in the City ³	
Single Family Residence	.464	9,463,519.42	24,410	\$387.69 Per unit
Multifamily	.274	5,588,371.38	43,428	\$128.68 Per unit
Hotel	.004	81,582.06	459,822	\$0.18 Per sq. ft.
Retail/ Public Assembly	.026	530,283.42	15,850,027	\$0.03 Per sq. ft.
Office/Medical	.090	1,835,596.44	5,964,225	\$0.31 Per sq. ft.
Industrial/Warehouse	.142	2,896,163.27	24,100,734	\$0.12 Per sq. ft.

¹"Fire Rescue Alarms by NIFRS Property Class 2003-2004", City of Hialeah Fire NIFRS Database. ²"Total Capital Asset Inventory 2004," City of Hialeah Finance Department. ³"Building Units and size by Property Class within the City of Hialeah," Miami-Dade County Property Appraiser.

Land Use/Occupancy Type	Proposed Fire Rescue Impact Fee Schedule	
	Cost Per Unit or Per Square Foot	
Single Family Residence	\$400.20	
Multifamily	\$132.84	
Hotel	\$0.19	
Retail/ Public Assembly	\$0.03	
Office/Medical	\$0.32	
Industrial/Warehouse	\$0.12	

Indexed Based on the difference in the Consumer Price Index figures for calendar years 2005 and 2006. Bureau of Labor Statistics CPI Inflation Calculator used to calculate proposed Impact Fees.